

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD WILLIAMS,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

1:23-CV-3250 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated July 5, 2023, the Court granted Plaintiff, who appears *pro se*, 60 days' leave to file either an amended petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 or an amended civil complaint asserting claims under 42 U.S.C. § 1983. (ECF 9.) That order specified that failure to comply would result in dismissal of this action without prejudice. (*Id.* at 5.) On August 21, 2023, the Court granted Plaintiff an extension of time, until October 3, 2023, to comply with the Court's July 5, 2023 order. (ECF 11.) That order also specified that failure to comply would result in dismissal of this action without prejudice. (*Id.*) Plaintiff has not filed an amended petition or an amended complaint. Accordingly, the Court dismisses this action without prejudice.

Because the action makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action without prejudice.

SO ORDERED.

Dated: November 6, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge